

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

NOV 18 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

BY  
DEPUTY \_\_\_\_\_

V.

CRIMINAL NO. 6:15CR 72  
JUDGE MHS/JDL

PATRICK TERRY GILBERT

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT 1**

Violation: 18 U.S.C § 2113(a) and (d) (Bank robbery)

On or about October 23, 2015, the defendant, **Patrick Terry Gilbert**, did then and there intentionally and knowingly by force, violence and intimidation and by use of a dangerous weapon, take from the person and presence of another, property, namely United States currency, belonging to and in the care, custody, control, management, and possession of the Capital One Bank, located on Judson Road in Longview, Texas, in the Eastern District of Texas, the deposits of which were then insured by the Federal Deposit Insurance Corporation,

In violation of 18 U.S.C. § 2113(a) and (d).

**COUNT TWO**

Violation: 18 U.S.C. § 924(c) (Use, Carrying, and Brandishing a Firearm During a Crime of Violence)

On or about October 23, 2015, in the Eastern District of Texas, the defendant, **Patrick Terry Gilbert**, did knowingly and intentionally use, carry, possess, and brandish a firearm, to-wit: a Browning, Model Auto 5 Mag 12, 12 gauge semi-automatic shotgun, serial number 02376 PT 151, a shotgun having a barrel length of less than 18 inches, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is Bank Robbery, a violation of 18 U.S.C. § 2113(a) and (d).

In violation of 18 U.S.C. § 924(c).

**COUNT THREE**

Violation: 18 U.S.C. § 922(g)(1)  
(Felon in Possession of a Firearm)

On or about October 23, 2015, in the Eastern District of Texas, the defendant, **Patrick Terry Gilbert**, having been convicted of an offense punishable by a term of imprisonment exceeding one year, specifically:

- (1) Distribution of a controlled substance (Marijuana), Case No. CR-89-45, 11<sup>th</sup> Judicial District Court, McKinley County, New Mexico, on October 16, 1989;
- (2) Distribution of a Controlled Substance (Marijuana), Case No. CR-89-56; 11<sup>th</sup> Judicial District Court, McKinley County, New Mexico, on October 16, 1989;

(3) Burglary, Case No. CR-95-100, 11<sup>th</sup> Judicial District Court, McKinley County, New Mexico, on March 29, 1995; and

(4) Armed Robbery, Case No. CR-99-3823, 2<sup>nd</sup> Judicial District Court, Bernalillo County, New Mexico, on August 7, 2000,

did knowingly and intentionally possess a firearm, to wit: a Browning, Model Auto 5 Mag 12, 12 gauge semi-automatic shotgun, serial number 02376 PT 151, a shotgun having a barrel length of less than 18 inches, which had been shipped or transported in interstate commerce,

In violation of 18 U.S.C. § 922(g)(1).

#### **COUNT FOUR**

Violation: 26 U.S.C. § 5861(d)  
(Possession of Unregistered Firearm)

On or about October 23, 2015, in the Eastern District of Texas, the defendant,

**Patrick Terry Gilbert**, did knowingly and intentionally possess an unregistered firearm,

to-wit:

a Browning, Model Auto 5 Mag 12, 12 gauge semi-automatic shotgun, serial number 02376 PT 151, a shotgun having a barrel length of less than 18 inches,

not registered to him in the National Firearms Registration and Transfer Record,

In violation of 26 U.S.C. §§ 5841, 5861(d) and 5871.

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. §§ 924(d)(1) and 981(a)(1)(c), and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses, the defendant herein, shall forfeit to the United States of America pursuant to 18 U.S.C. §§ 924(d)(1) 981(a)(1)(c), and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violations;
2. any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition and accessories seized from the defendants, including but not limited to the following:

**Firearm:**

Browning, Model Auto 5 Mag 12, 12 gauge semi-automatic shotgun, serial number 02376 PT 151, a shotgun having a barrel length of less than 18 inches

**Cash Proceeds:**

\$16,134.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this indictment.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- A. cannot be located upon the exercise of due diligence;
- B. has been transferred or sold to, or deposited with, a third party;

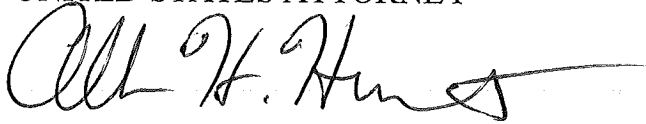
- C. has been placed beyond the jurisdiction of the court;
- D. has been substantially diminished in value; or
- E. Has been commingled with other property which cannot be subdivided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL

Bk  
GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY



fr RICHARD L. MOORE  
Assistant United States Attorney  
110 N. College, Suite 700  
Tyler, Texas 75702  
(903) 590-1400  
(903) 590-1439 (fax)

11-18-2015  
Date

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TYLER DIVISION

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CRIMINAL NO. 6:15CR\_\_\_\_\_  
JUDGE\_\_\_\_\_

**NOTICE OF PENALTY**

COUNT ONE

Violation: 18 U.S.C. § 2113(a) (Bank robbery)

Penalty: Imprisonment for not more than 25 years; a fine of not more than \$250,000.00; or both, a term of supervised release of not more than 3 years.

Special Assessment: \$100

COUNT TWO

Violation: 18 U.S.C. § 924(c) (1)(A)(i)(ii) and (iii)  
(Use, Carrying, Brandishing, Discharging a  
Firearm During a Crime of Violence)

Penalty: Imprisonment of not less than five (5) years, unless the firearm was brandished, in which case the minimum is seven (7) years, or unless the firearm was discharged, in which case the minimum sentence is ten (10) years, which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000.00, or both; and supervised release of not more than three (3) years.

In the case of a second or subsequent conviction, imprisonment of not less than twenty-five (25) years which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, or both; and supervised release of not more than five (5) years.

Special Assessment: \$100.00

COUNT THREE

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

Penalty: Imprisonment for a term of not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years in addition to such term of imprisonment.

Special Assessment: \$100.00

COUNT FOUR

Violation: 26 U.S.C. § 5861(d) (Possession of an Unregistered Firearm)

Penalty: Imprisonment for a term of not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years in addition to such term of imprisonment.

Special Assessment: \$100.00